

2006 JUL 28 PM 4:01

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MANUEL TJEDA ALVAREZ,	Civ. No. 04-1685-TC
Petitioner,	Order
v.	
SHARON BLACKLETTER,	
Defendant.	

Magistrate Judge Thomas M. Coffin filed Findings and Recommendation on April 20, 2006 in the above entitled case. The matter is now before the court pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate judge's report. See 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Petitioner timely filed objections. The court has,


therefore, given de novo review of Judge Coffin's rulings.

After review, the court adopts the Findings and Recommendation filed April 20, 2006 [#36] in its entirety. The court adds that petitioner was not prejudiced by the performance of appellate counsel because petitioner had no right to his illegal guidelines sentence. Lockhart v. Fretwell, 506 U.S. 364, 372 (1993).

The petition for writ of habeas corpus [#1] is denied.

IT IS SO ORDERED.

DATED this 28th day of July, 2006.


United States District Judge